

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA - SAN FRANCISCO DIVISION

In re:) Bankruptcy No.: **09-30362- TEC**
) R.S. No. **JDL-120**
DANIEL O'LEARY) Hearing Date/Time: **3/30/2009 @ 1:00 p.m.**
)
Debtor(s))
_____)

RELIEF FROM STAY COVER SHEET

Instructions: Complete caption and Section A for all motions. Complete Section B for mobile homes, motor vehicles, and personal property. Complete Section C for real property. Use Section C as necessary. If Movant is not a secured creditor, summarize nature of the motion in Section D.

(A) Date Petition Filed: **02/13/2009** Chapter: **7**
Prior hearings on this obligation: none Last Day to File §523/§727 Complaints:

(B) Description of personal property collateral: (Not applicable)
Secured Creditor [] or lessor []
Fair market value: \$ _____ Source of value: _____
Contract Balance: \$ _____ Pre-Petition Default: \$ _____
Monthly Payment: \$ _____ No. of months: _____
Insurance Advance: \$ _____ Post-Petition Default: \$ _____
No. of months: _____

(C) Description of real property collateral: **260 Cresta Vista Dr., San Francisco, CA**
Fair market value: **\$ 752,000.00** Source of value: [] Appraisal dated N/A [X] Debtor's Schedules
Movant's position: **1st T.D. recorded 04/28/2006 as Inst. 2006-I167948-00**
Approx. Balance: **\$725,289.79** Pre-Petition Default: **\$20,374.61**
As of (date): **3/5/2009** No. of months: **5 (10/08 - 2/09)**
Monthly Payment: **\$3,858.67** Post-Petition Default: **\$ 4,090.19**
Notice of Default: **N/A** No. of Months: **1 (3/09 + 2/09 late chrg)**
Notice of Trustee Sale: **N/A** Advances to Sr. Liens: _____

Name and status of other liens and encumbrances, if known (e.g. trust deeds, taxes, etc.):

<u>Position</u>	<u>Name</u>	<u>Amount</u>	<u>Mo. Payment</u>	<u>Defaults</u>
1 st Trust Deed:	Downey	\$725,289.79	\$3,858.67	\$24,464.80
2 nd Trust Deed:	Chase Bank	\$100,000.00	\$Unknown	\$Unknown
Property Taxes:	San Francisco Cty	\$ 8,099.42	N/A	\$ 4,454.68

Total **\$833,389.21** **\$3,858.67** **\$28,919.48**
Plus Unknowns shown above

(D) Other pertinent information: (1) Debtor has not paid the **October 2008 through March 2009** payments and late charges to Downey (2) Debtor has not paid real estate taxes for 1st installment of the **2008-09** tax year on the Property; (3) there is no equity in the Property.

Dated: March 11, 2009

/s/ Joey DeLeon

Joey DeLeon, Attorney for Downey Savings